Order No. Rl. 616–Legis. 21-45-1, dated Bangalore, the 7th January 1946.

Ordered that the accompanying Code of Criminal Procedure (Amendment) Act, 1946, which received the assent of His Highness the Maharaja, on the 29th day of December 1945, be published as Act No. V of 1946, in the *Mysore Gazette*, for general information.

R. VENKATA RAMAIYA,
Legal Remembrancer and
Secretary to Government,
Law Department.

ACT No. V OF 1946.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1946.

(Received the assent of His Highness the Maharaja on the 29th day of December 1945.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904 (II of 1904), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1946.

Amendment of Section 198, Act II of 1904. 2. To section 198 of the Code of Criminal Procedure, 1904 (II of 1904), (hereinafter referred to as the said Code) the following further proviso shall be added, namely:—

"Provided further that where the husband aggrieved by an offence under section 494 of the said Code is serving in any of the Armed Forces of His Majesty or of His Highness the Maharaja under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf."

Amendment of Section 199, Act II of 1904. 3. To section 199 of the said Code, the following further proviso shall be added, namely,—

"Provided further that where such husband is serving in any of the Armed Forces of His Majesty or

His Highness the Maharaja under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, and where for any reason no complaint has been made by a person having care of the woman as aforesaid some other person authorised by the husband, in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf."

Insertion of new Section 199B, in Act II of 1904.

4. After section 199A of the said Code, the following section shall be inserted in Chapter XV, namely,—

"*199B. Form of authorisation under second proviso to section 198 or 199* :—

(1) The authorisation of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 or the second proviso to section 199 shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by the officer referred to in the said provisos, and shall be accompanied by a certificate signed by that officer to the effect that leave of absence for the purpose of making a complaint in person cannot, for the time being, be granted to the husband.

(2) Any document purporting to be such an authorisation and complying with the provisions of sub-section (1), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine, and shall be received in evidence."

N. MADHAVA RAU,
Dewan.

Order No. Rl. 617—Legis. 22-45-1, dated Bangalore, the 7th January 1946.

Ordered that the accompanying Mysore Companies (Amendment) Act, 1946, which received the assent of His Highness the Maharaja, on the 29th day of December 1945, be published as Act No. VI of 1946, in the *Mysore Gazette*, for general information.

R. VENKATA RAMAIYA,
Legal Remembrancer and Secretary to Government, Law Department.

ACT No. VI OF 1946.

THE MYSORE COMPANIES (AMENDMENT) ACT, 1946.

(Received the assent of His Highness the Maharaja on the 29th day of December 1945.)

An Act further to amend the Mysore Companies Act, 1938.

WHEREAS it is expedient further to amend the Mysore Companies Act, 1938 (XVIII of 1938), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Companies (Amendment) Act, 1945.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Insertion of new section after section 277 H, Act XVIII of 1938.

2. After section 277H of the Mysore Companies Act, 1938 (XVIII of 1938) (hereinafter referred to as the said Act), the following section shall be inserted, namely—

"277HH—Prohibition of employment of managing agents and restrictions on certain forms of employment.

No banking company, whether incorporated in or outside Mysore which carries on business in Mysore shall, after the expiry of two years from the commencement of the Mysore Companies (Amendment) Act, 1946, (VI of 1946) employ or be managed by a managing agent, or any person whose remuneration or part of whose remuneration takes the form of commission or a share in the profits of the company, or any person having a contract with the company for its management for a period exceeding five years at any one time:

Provided that the period of five years shall for the purposes of this section be computed from the date on which this section comes into force:

Provided further that any such contract may be renewed or extended for a further period not exceeding five years at a time if and so often as the Directors think fit."

Substitution of new section for section 277-I, Act XVIII of 1938.

3. For Section 277 I of the said Act, the following section shall be substituted, namely—

"277 I—Restrictions on commencement of business and conditions for carrying on business by banking company—

(1) Notwithstanding anything contained in section 103, no banking company incorporated under this

Act shall commence business unless shares have been allotted to an amount sufficient to yield a sum of at least fifty thousand rupees as working capital, and unless a declaration duly verified by an affidavit signed by the Directors and the Manager that such a sum has been received by way of paid-up capital has been filed with the Registrar.

(2) No banking company, whether incorporated in or outside Mysore shall, after the expiry of two years from the commencement of the Mysore Companies (Amendment) Act, 1946 (VI of 1946), carry on business in Mysore unless it satisfies the following conditions, namely—

(*a*) that the subscribed capital of the company is not less than half the authorised capital, and the paid-up capital is not less than half the subscribed capital, and

(*b*) that the capital of the company consists of ordinary shares and such preference shares as may have been issued before the commencement of the Mysore Companies (Amendment) Act, 1946 (VI of 1946), only, and

(*c*) that the voting rights of all share-holders are strictly proportionate to the contribution made by the share-holder, whether a preference share-holder or an ordinary share-holder, to the paid-up capital of the company.

Amendment of section 277L, Act XVIII of 1938.

4. In sub-section (3) of Section 277L of the said Act, after the word, figures and letter "Section 277H" the words, figures and letters "Section 277HH, Section 277 I" shall be inserted.

N. MADHAVA RAU,
Dewan.

Order No. Rl. 618—Legis. 23-45-1, dated Bangalore, the 7th January 1946.

Ordered that the accompanying Mysore Motor Vehicles and Road Traffic (Amendment) Act, 1946, which received the assent of His Highness the Maharaja, on the 29th day of December 1945, be published as Act No. VII of 1946, in the *Mysore Gazette*, for general information.

R. VENKATA RAMAIYA,
Legal Remembrancer and Secretary to Government, Law Department.

ACT No. VII OF 1946.

THE MYSORE MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) ACT, 1946.

(Received the assent of His Highness the Maharaja on the 29th day of December 1945.)

An Act further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles and Road Traffic Act, 1944, (XXVII of 1944);

It is hereby enacted as follows:—

Short title and commencement.

1. (i) This Act may be called the Mysore Motor Vehicles and Road Traffic (Amendment) Act, 1946.

(ii) It shall come into force on such date as the Government may by notification in the official Gazette direct.

Amendment of Section 4 (2), Act XXVII of 1944.

2. For sub-section (2) of section 4 of the Mysore Motor Vehicles and Road Traffic Act, 1944 (hereinafter referred to as the said Act), the following sub section shall be substituted, namely—

"(2) No person under the age of twenty years shall drive a transport vehicle in any public place.

Nothing contained in this sub-section shall apply to drivers of transport vehicles who hold valid driving licenses issued by the competent authorities specified in Part A of Fourth Schedule of the Motor Vehicles Act, 1939, as in force in British India."

Amendment of Section 9 (2), Act XXVII of 1944.

3. To sub-section (2) of section 9 of the said Act, the following proviso shall be added:—

"Provided further that the provisions contained in sub-section (2) and the first proviso thereto shall not apply to the drivers of the motor vehicles belonging to the Government of India in respect of whom valid driving licenses have been issued by the appropriate military authorities specified in the Fourth Schedule of the Motor Vehicles Act, 1939, as in force in British India."

Amendment of Section 26, Act XXVII of 1944.

4. To section 26 of the said Act, the following sub-section shall be added at the end, namely—

"(5) The proviso to sub-section (1) and sub-section (4) shall not apply to motor vehicles which are the property of the Government of India in respect of

which valid certificates of registration have been issued by the appropriate authorities specified in Part B of the Fourth Schedule of Motor Vehicles Act, 1939, as in force in British India."

N. MADHAVA RAU,
Dewan.

No. C. 802—Co. 19-45-9, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Consumer Goods (Control of Distribution) Order, 1945, and to further direct with reference to sub-rule (1) of rule 119 of the said rules that notice of this amendment shall be given by the publication of the same in the Official Gazette and by the issue of a Press Note explaining its provisions.

In the said Order:—

(1) After clause 5, the following clause shall be inserted, namely:—

"5-A. An Officer of Government duly authorised by Government in this behalf, may, by order in writing require any dealer within the State to sell to any other dealer in the same State such quantities of scheduled articles as may be specified in the order, and may issue such incidental or supplementary instructions in regard to the sale as he may think fit, and the dealer shall comply with the order and instructions.

Provided that such an order or instructions shall be subject to any order or instructions issued from time to time by the Controller of Civil Supplies to an importer, producer or dealer in the State.

(2) In clause 9 after the words Controller of Civil Supplies the words "or an Officer" empowered by Government in this behalf" shall be inserted.

No. C. 807—Co. 41-45-2, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to cancel the Electrical Apparatus (Dealings) Order, 1941, issued with Notification No. A. F. 2152-4—P. & T. 10-41-5, dated 5th November 1941.

No. C. 811—Co. 41-45-3, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to cancel the Wireless Telegraphy Apparatus (Possession) Order, 1941, issued with Notification No. A. F. 2152-4-P. & T. 10-41-5, dated 5th November 1941.

No. C. 815—Co. 41-45-4, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by Rule 37-A of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to cancel the High Frequency Apparatus (Possession) Order, 1942, issued with notification No. A. F. 5611—P. & T. 10-41-25, dated 10th April 1942.

No. C. 819—Co. 41-45-5, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to cancel the Wireless Transmitters (Possession by Dealers) Order, 1942, issued with notification No. A. F. 5858—P. & T. 10-41-27, dated 21st April 1942.

No. C. 823—Co. 41-45-6, dated Bangalore, the 3rd January 1946.

In exercise of the powers conferred by sub-rule (2) of rule 16 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to cancel the Wireless Telegraphy Apparatus (Vehicles) Order, 1942 issued with notification No. A. F. 7082—P. T. 10-41-30, dated 23rd June 1945.

No. C. 863—Co. 25—45-10, dated Bangalore, the 5th January 1946.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following amendments in the (Mysore) Rubber Manufactures Control Order, 1945, and to direct, with reference to sub-rule (1) of Rule 119 of the

said Rules, that notice of the Order shall be given by the publication of the same in the Gazette and by the issue of a Press Note indicating the nature of its provisions:—

1. In clause 2 of the said Order—

(*a*) item 5 of the sub-clause (*b*) shall be omitted and items (vi), (vii) and (viii) shall be renumbered as (v), (vi) and (vii) respectively;

(*b*) sub-clause (*c*) shall be omitted and sub-clause (*d*) shall be renumbered as sub-clause (*c*).

2. Clauses 6, 7 and 8 of the said Order shall be renumbered as clauses 7, 8 and 9 and before clause 7 as so renumbered, the following clause shall be inserted, namely :—

"6. The Government may, by notification in the Official Gazette, fix from time to time, the maximum price or prices which may be charged by any person in respect of any article specified in the notification."

3. In clause 7 (as renumbered) of the said Order, the following sub-clause shall be added, namely—

"(*d*) cancel any authority given to such person to treat, use or consume rubber under clause 3 of this Order."

E. V. GANAPATI IYER, *Civil Supplies Secy.*

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